

Entered - 02/06/04 - sb
CL - 04L0077 LISA CARTER

CLAIM OF: CENTRAL MUTUAL INSURANCE
COMPANY, through its attorney
Ronald W. Parnell, P.C.
P.O. Box 81085
Conyers, Georgia 30013

04-R-0682

For damages alleged to have been sustained as a result of a fire on
August 1, 2003 at 1845 Cheshire Bridge Road.

THIS ADVERSED REPORT IS APPROVED



BY:

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 4/27/04

Vice CHAIR: Mike

1st S. 1
Ray Norwood
C. Smith
C. Henderson

ADVERSED

MAY 03 2004



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

May 13, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273

Ronald W. Parnell
Attorney at Law
P.O. Box 81085
Conyers, GA 30013

04-R-0682

RE: Central Mutual Insurance Company

Dear Attorney Parnell:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on December 01, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0077

Date: April 13, 2004

Claimant /Victim CENTRAL MUTUAL INSURANCE COMPANY

BY: (Atty) (Ins. Co.) Ronald W. Parnell, P.C.

Address: P. O. Box 81085 Conyers, Georgia 30013

Subrogation: Claim for Property damage \$ 37,459.00 Bodily Injury \$

Date of Notice: 02/06/04 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 08/01/03 Place: 1845 Cheshire Bridge Road

Department Fire Services Bureau: Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that it sustained damages as a result of a fire at 1845 Cheshire Bridge Road. However, the claimant has elected to file a lawsuit to resolve the issues raised in the claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other X

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager:  Concur/date 04/15/04

Committee Action: Council Action

Law
td
JD
DM

RONALD W. PARNELL, P.C.
LAW OFFICES FOR SUBROGATION AND COLLECTION RECOVERIES

Post Office Box 81085
Conyers, GA 30013

Telecopier: (770) 922-2324
Telephone: (770) 929-8585

OUR FILE #316-0303

ENTERED - 2-6-04- SB
04L0077 - LISA CARTER

January 20, 2004

Honorable Shirley Franklin
Mayor of the City of Atlanta
55 Trinity Avenue SW
Suit 2400
Atlanta, GA 30303

Carter
02/06/04
De

Delivered by Certified Mail #7099 3400 0011 4468 4033

O.C.G.A. 36-33-5 ANTE LITEM NOTICE OF DAMAGE TO PROPERTY


Dear Mayor Franklin:

This office represents Central Mutual Insurance Company a member of the Central Insurance Companies. Central Mutual Insurance Company is the insurance company for Cache Antiques, Inc.. This letter serves as Central Mutual Insurance Company's Ante Litem Notice of Damage to Property.

1. Date of Loss: on or about August 1, 2003.
2. Loss Location: 1845 Cheshire Bridge Road, Atlanta, GA. Cache Antiques, Inc., owner.
3. Extent of Damage: major fire causing \$37,459.00 in damages (Property Damage and Business Interruption)
4. Negligence of City of Atlanta: Fire hydrant not working near building due to negligent maintenance.

Pursuant to O.C.G.A. 36-33-5, the City of Atlanta has thirty (30) days to act upon this claim. In the event that a settlement cannot be reached, it is Central Mutual Insurance Company's intention to file suit against the City of Atlanta for the above described loss.

Sincerely,



Ronald W. Parnell
Attorney for Plaintiff (sha)

04- R -0682

RECEIVED
JAN 27 2004

